

NAME DISPUTE BETWEEN GREECE AND MACEDONIA

(STUDENT PROJECT)

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*I had the chance to see works of Macedonian art,
beautiful icons and ceramics from Ohrid and other places.
I am especially touched by the survival of Macedonia,
which has been surrounded by stronger neighbors
for centuries...*

Martin Bernal
April 2009

CONTENTS

P R E F A C E	9
INTRODUCTION	
ATTRACTIVENESS OF MACEDONIA TO STUDENT SPIRIT	17
M A C E D O N I A	19
PART ONE	
DISPUTE OVER THE NAME MACEDONIA	
WITH GREECE	23
1	
HISTORICAL DIMENSION OF THE DISPUTE MACEDONIAN IDENTITY PARTITIONING OF MACEDONIA (1913)	25
ETHNIC IDENTITY OF MACEDONIANS	26
MACEDONIANS AND THE BIBLE	33
THE PARTITIONING OF MACEDONIA IN BUCHAREST (1913)	67
AEGEAN MACEDONIA	77
STUDENT ESSAYS IN THE SHADOW OF OLYMPUS - THE EMERGENCE OF MACEDON	103
THE MACEDONIAN KNOT	115
HUMAN ORDER – DECLINE AND RESURGENCE: MACEDONIA AND THE NAME	126
INTERVIEWS ETHNOGENESIS OF ANCIENT MACEDONIANS	136
2	
CULTURAL AND POLITICAL DIMENSION OF THE DISPUTE MINORITY RIGHTS IN GREECE THE MACEDONIAN PRIMER	147
MACEDONIANS IN GREECE AND HUMAN RIGHTS	148
ABECEDAR: MACEDONIAN PRIMER FOR AEGEAN MACEDONIANS	164
THE GREEK CHURCH AND THE NAME DISPUTE	169

HEXAGON OF CONFLICT SETTLEMENT AND THE GREEK-MACEDONIAN NAME DISPUTE ...	176
INTERVIEWS NEW APPROACH TO THE NATIONAL QUESTION OF MACEDONIANS IN GREECE	187
NAME DISPUTE AND MACEDONIAN MINORITY IN GREECE	195
3 ECONOMIC ASPECT OF THE DISPUTE GREEK EMBARGO COMMERCIAL VALUE OF THE NAME	197
THE COURSE AND MEANING OF THE GREEK EMBARGO AGAINST MACEDONIA	198
INTERVIEWS THE COMMERCIAL ASPECT OF THE “DISPUTE”	244
4 LEGAL DIMENSION OF THE DISPUTE ACCESSION OF MACEDONIA TO UN SETTLEMENT OF THE DISPUTE BEFORE THE ICJ	249
UN AND THE GREEK-MACEDONIAN NAME DISPUTE	250
THE UNITED NATIONS CANNOT IMPOSE NEW CRITERIA FOR ADMISSION OF COUNTRIES	261
MEMORANDUM OF GREECE AND MEMO-RANDUM OF MACEDONIA REGARDING ADMISSION OF MACEDONIA TO UNITED NATIONS	266
ARTIFICIAL INTERSTATE DISPUTE	279
INTERIM ACCORD AND ATTEMPT FOR AGREEMENT	290
PRECEDENT IN UN HISTORY	295
INTERVIEWS LEGAL SUBJECTIVITY AND ADMISSION TO UN	319
THE CHARACTER AND THE EFFECTS OF THE “INTERIM ACCORD”	324
PART TWO PROPOSALS FOR DISPUTE SETTLEMENT	327
1 PROPOSAL FROM ICG (10. XII. 2001)	329
ICG COMPOSITION AND PROPOSAL FOR “SLAVIC TRANSCRIPTION” OF THE NAME	330
THE NAME BEFORE THE INTERNATIONAL COURT OF JUSTICE IN THE HAGUE	336
DISCRIMINATION AND PROTECTORATE	362

INTERVIEWS THERE IS NO WAY OUT	
WITHOUT A DOUBLE FORMULA	366
THE CONCESSIONS ARE NOT A SOLUTION	371
THE ICG PROPOSAL IS ACCEPTABLE FOR US	374
THE REQUEST OF GLIGOROV FOR ACCESSION	
OF MACEDONIA TO THE OUN	378
WHO WOULD CARE WHAT WOULD OUR NAME BE -	
IF WE ARE A MEMBER STATE OF THE EU!?	388
MAJOR HISTORICAL MISTAKE OF GLIGOROV	397
MACEDONIA SHOULD NOT WITHDRAW	402
THE NAME IS NOT AN ISSUE FOR NATO	406
STUDENTS' DEBATE WITH EDWARD JOSEPH	408
THE PROCESS IS MORE IMPORTANT THAN	
THE NAME SOLUTION	418
CONTACTS WITH THE OTHER REPRESENTATIVES	
OF THE ICG	421
CONTACT WITH FOREIGN EMBASSIES	
IN MACEDONIA	424
2	
THE PROPOSAL BY MATHEW NIMITZ	
(9. XI. 2005)	429
WHO IS MATHEW NIMITZ!?	430
HOW WILL APOSTLE NIMETZ RENAME	
"THAT COUNTRY" IN THE BIBLE!?	440
STUDENT ESSAYS	
CRITIQUE OF THE NIMETZ "PROPOSAL"	443
CONDITIONS, SOLUTIONS AND OPINIONS	
ON THE "PROPOSAL BY NIMETZ"	449
ANOTHER EPISODE FROM THE SERIES OF	
PROPOSALS OF THE SO CALLED	
"INTERNATIONAL COMMUNITY"	465
INTERVIEWS THE COUNTRIES CHOOSE	
THEIR NAMES BY THEMSELVES!	471
MEETING WITH NIKOLA DIMITROV	475
3	
THE PROPOSAL BY MATTHEW NIMETZ	
(19. II. 2008)	479
"RAINBOW" LETTER TO NIMETZ	480
NIMETZ'S "NEW" IDEAS AND DIRECT INVOLVMENT	
OF THE UNITED STATES OF AMERICA	484
MACEDONIA DISPUTE IS NOT ABOUT A NAME!	488
THE TERM MACEDONIA - DERIVATIVES	
AND ASSOCIATIONS	490
NIMETZ PROPOSALS AND THE CONSTITUTION	
OF THE REPUBLIC OF MACEDONIA	493

STUDENT ESSAY	
MORPHOLOGICALLY TOTEMIC ANGER	499
4	
MATTHEW NIMETZ PROPOSAL	
(26 March 2008)	509
THE NAME AND THE “EXPERTS”	510
STUDENT ESSAYS	
ANOTHER “LAST” PROPOSAL	512
A CIRCLE THAT AROUSES RESENTMENT	
BETWEEN THE TWO SIDES	515
5	
GREEK VETO AT NATO BUCHAREST SUMMIT	
(2-4 April 2008)	521
WHAT HAPPENS AFTER BUCHAREST	522
THE NAME OF THE PEOPLE IS AT STAKE HERE,	
NOT THE NAME OF THE STATE	525
NAMING THE IDENTITY	528
THE HIDDEN “PASSIONS” OF A DISPUTE683	532
INTERVIEW	
IF THERE WASN’T SUCH COUNTRY, IT SHOULD	
HAVE BEEN INVENTED	537
EU AND NATO PRESSURE FOR THE DISPUTE	
RESOLUTION	540
PART THREE	
DOCUMENTS	543
PEACE TREATY	
BETWEEN THE KINGDOM OF SERBIA,	
THE KINGDOM OF GREECE, THE KINGDOM	
OF ROUMANIA AND THE KINGDOM	
OF MONTENEGRO – ON THE ONE PART, AND	
THE KINGDOM OF BULGARIA – ON THE OTHER PART	
<i>Bucharest (July 28/ August 10, 1913)</i>	545
EUROPEAN COMMUNITY DECLARATION ON FORMER	
YUGOSLAV REPUBLIC OF MACEDONIA	
<i>(Guimaraes, 1-2 May 1992)</i>	552
EUROPEAN COUNCIL DECLARATION ON FORMER	
YUGOSLAVIA	
<i>(Lisbon, 27 June 1992)</i>	553
REPUBLIC OF MACEDONIA ASSEMBLY DECLARATION	
ON THE LISBON DECLARATION	
<i>(Skopje, 3 July 1992)</i>	556
REPUBLIC OF MACEDONIA MINISTRY OF FOREIGN	
AFFAIRS MEMORANDUM RELATED TO	
THE ADMISSION OF THE REPUBLIC OF MACEDONIA	
TO THE UNITED NATIONS [AS REACTION TO	

THE <i>MEMORANDUM</i> OF GREECE-WHICH ATTEMPTS TO PREVENT THIS] (New York, 3 February 1993)	558
LETTER FROM PRESIDENT KIRO GLIGOROV ADDRESSED TO THE UN SECRETARY – GENERAL (Skopje, 5 February 1993)	564
LETTER FROM PRIME MINISTER BRANKO CRVENKOVSKI ADDRESSED TO THE PRESIDENT OF THE UN SECURITY COUNCIL (Skopje, 24 March 1993).....	566
UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 817 (New York, 7 April 1993)	568
UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 225 ON THE ADMISSION OF THE REPUBLIC OF MACEDONIA TO MEMBERSHIP IN THE UNITED NATIONS (New York, 8 April 1993)	570
LETTER FROM PRESIDENT KIRO GLIGOROV ADDRESSED TO THE PRESIDENT OF THE UN SECRETARY–GENERAL (Skopje, 29 May 1993)	571
UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 845 (18. June 1993)	574
LETTER FROM THE UN SECRETARY–GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (New York, 13 July 1993).....	575
REPORT OF THE SECRETARY-GENERAL TO THE SECURITY COUNCIL PURSUANT TO RESOLUTION 845 (New York, 22 September 1993).....	576
LETTER FROM PRESIDENT KIRO GLIGOROV ADDRESSED TO THE PRESIDENT OF U.S.A. – BILL CLINTON (Skopje, 22 February 1994)	580
INTERIM ACCORD (New York, 13 September 1995)	583
MEMORANDUM ON “PRACTICAL MEASURES” RELATED TO THE INTERIM ACCORD OF 1995 (Skopje, 13 October 1995).....	597
MEMORANDUM ON THE MUTUAL ESTABLISHMENT OF LIAISON OFFICES RELATED TO THE INTERIM ACCORD (Athens, 20 October 1995).....	604
AIDE-MÈMORIE REGARDING THE INAPPROPRIATE CONDUCT OF THE REPUBLIC OF GREECE	

TOWARDS THE REPUBLIC OF MACEDONIA VIS-À-VIS THE INTERIM ACCORD OF 1995 (Skopje, 23 July 1996)	607
LETTER FROM THE UN SECRETARY–GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (New York, 10 November 1997)	611
LETTER FROM THE UN SECRETARY – GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (New York, 21 December 1999)	612
ICG BALKANS REPORT NO. 122 (SKOPJE / BRUSSELS 10 DECEMBER 2001)	614
ICG BALKANS REPORT NO. 122 (10 December 2001)	650
MEDIATOR MATTHEW NIMETZ OFFICIAL PROPOSAL (9 November 2005)	654
DRAFT DOCUMENTS (Ohrid, February 2008)	659
FRAMEWORK PROPOSAL FOR ADVANCING THE BILATERAL RELATIONS BETWEEN THE HELLENIC REPUBLIC AND THE REPUBLIC OF MACEDONIA	664
GREECE-MACEDONIA JOINT COMMITTEE ON EDUCATION AND HISTORY	666
MEDIATOR MATTHEW NIMETZ OFFICIAL PROPOSAL -INTEGRAL BASIC TEXT- (19 February 2008)	668
MEDIATOR MATTHEW NIMETZ OFFICIAL PROPOSAL (26 March 2008)	672
BUCHAREST SUMMIT DECLARATION	674
MACEDONIA’S NAME: BREAKING THE DEADLOCK EUROPE BRIEFING NO. 52 (12 January 2009)	692
EPILOGUE	695
PARTICIPANTS	703
LIST OF ACRONYMS	713
INDEX	719

EPILOGUE

*Nostra autem res publica non unius esset ingenio sed multorum
nec una hominis vita sed aliquot constituta saeculis et aetatibus!*

*“The constitution of our republic was not the work of the genius
of one, but of many; and not for only one generation, but for many
years and many lives!”*

Cicero, De re publica (II, 1.2)

On (Re)Cognitions

*Memoria est thesaurus omnium rerum et custos
Memory is treasury and guardian of all things.*

Euphantus

During our studies at the Faculty of Law Iustinianus Primus at Ss. Cyril and Methodius University, we got acquainted with a subject matter that somehow invisibly covers all pores of the human existence – the law. At our joint amaze, we have noticed that precisely this layer of the subtle and old science has been frequently vulgarized. And that injustice in particular was the initial stimulus for us to scrutinize some of the essential parts of the iurisprudentia, as exceedingly noble discipline. However, we always had in consideration the fact that what was written in the textbooks was merely the tip of the iceberg, merely one piece of the puzzle, and that practice and reality were by far unlike and more complex than we could ever imagine... We were immediately being faced with the dilemma: *Is the power dominant over the law or is the law dominant over the power in the international relations?* At that point we discovered the ingenuity of the Roman Cicero, who argues that “power of law”, not “law of power”, is fundament upon which ever healthy society should be based.

It is amazing how history as a process somehow strangely repeats itself. Irrespective of the fact that throughout history (ours or world's, it does not matter) different people ruled over same states and regions, it appears that the same mistakes are made over and over again. More precisely, and in light of our project, there is the prevailing question; How come the name “Macedonia”, regardless whether it refers to

state, geographic region, people abiding on that piece of land, their language, culture, etc., has been turned into a political banality in this Balkans region? And, where are we in this Circus Europea, which has lost its compass?

While collecting materials, re-reading and putting forward opinions about “one’s own”, or “someone else’s problem”, there was the looming answer that the name, in the full sense of the word, was actually not the real hindrance here. This has also been proven with our broad-mindedness regarding this “dispute”. Given the fact that we have offered several viewpoints of scrutiny to the name issue itself, we have clearly noticed that this issue of force is shoved in all segments of our lives. At our surprise, we have noticed that even the law is deeply entangled in the settlement of this complicated “name issue”. We have learned that culture and tradition are not mere momentary expressions of identification, but one long-lasting, historical process that has evolved in what represents today. To make matters more paradoxical, exactly the involvement in an irrational dispute resulted into entanglement of law, culture and history – so, the passage of time showed that the law vis-à-vis the position of strength and power was becoming inert. *When might enters in a grand manner, the right jumps through the window...*

On Burden

*Our work is unscrupulous critique of all existent –
unscrupulous in sense that the critique will not be afraid of its
results
and even less afraid of clashing with the existing forces*
Karl Marx

We did not know how to address this issue, but we secretly felt that the involvement in such an extensive scientific project required efforts still unknown to us as young peoples. It was not due to the complexity of the aspects ranging over the dispute, nor due to the volume of materials we have collected, but it emerged from the very dynamics of the dispute itself. Chronologically speaking, the intensity of the Nimetz proposals, which he had been offering to both of the parties, their content and double rhetoric, at times caused both bitterness and justified revolt: *So, what’s the deal here?* – we often wonder.

This insecurity among us has been arising from many different sides. Primarily, there were the everyday statements of politicians, states-

men, academics, “experts” and public people here in view of the development of events. They change(d) their positions as often as their bank accounts may require. On the other hand, there were the statements of certain foreign “career diplomats”, and at our surprise, even petitions by Greek intellectuals.

The second involved party, the Hellenic Republic (although in all official documents it is referred to as the “Party of the First Part”, perhaps because it is *primus*, and we *secundus* in the dispute) played the same double game as our position – it seemed to us as we had complied with them, and to them as they had complied with us. Is it even likely that we will see the end of this intrigue with such pretending?

Our idea-impotent “academic community” seemed to have shown certain degradation: from intellectual down to vulgar political level. Their abortive position resulted in their complete diminishment as a factor for shedding a different light on the Macedonian people and the essence of the issue. It is due to this flaw that the politics is in its full swing, and the power of the word and the pen seems to have lost itself in someone else’s hallways and drawers. All of this brought us to the conclusion that we, as students, and as part of the youth of the Republic of Macedonia, are in the middle of this crossroad without any guidepost pointing at somewhat of a certainty that tomorrow we will not wake up with the idea that someone else had made the choice for us, and we were living through the consequences. Hence, this is what we say to the official policy: Not in My Name!

From the burden we have felt emerged our obligation to scrutinize this problem, as we believed it was only up to us to mark the black stigmas being constantly increased, and at the same time neglected by both parties.

On Truth

*Truth stands, even if there be no public support.
It is self-sustained!
Mahatma Gandhi*

With the very start of the project we have commenced a quest... This quest was no need for self-assertion, moreover a need for accounting for the question: *Why was this entire dispute raised to a level of identity authentication?*

The quest for identity somehow imposed by itself, also being *facta naturalia*, since in no case there was doubt over the historical truths. Hence, the identity quest itself is superficial, talking in terms there was increased desire for getting to the truth behind this dispute. Speaking from constitutional law viewpoint, the identity is guaranteed with the Constitution as the highest state act (*lex fundamentalis*). On one hand, it contains all cultural, political, economical, social and legal aspirations of certain people, their tradition, present and future. On the other hand, it emerges from ... *the citizens of the Republic of Macedonia*, since it is primarily a reflection of their will, their joint efforts and determination. Thus, a distortion between the identity and the truth that we are looking for is impossible! The “truth” that we have come across is political, vulgar, devaluated, populist – deeply penetrated into the consciousness of the common citizens of both countries, and presumptuously manipulated to defocus us from the true social problems weighing down on us in the reality.

It is long believed that conflict/dispute/issue/difference or discord are negative experiences and should be avoided at any cost. However, the conflict is actually a complex phenomenon; it is product of the human interaction, result of differences. When the conflict is being addressed *bona fide*, openly and with harmless curiosity, it may serve as motivation for achieving mutual growth, provided we are treated as equal partners.⁸⁰²

The chronic social conflicts, that is, “deeply enrooted conflicts” like this one have long history and are carried from generation to generation. They are practically unsolvable, but transformative – they can be transfigured! It is in this ground where we see our chance, and base our optimism upon. The transformation differs from the “settlement” by the following:

a) Transformation includes ongoing process at all levels of social structures through thousands of dialogues (*dia* – through + *logos* – word = “through word”), without exclusivity to the political elite infected with nationalism and rating;

b) Transformation does not require short-term effects (“right here, and right now”), but works on the transfiguration of the accumulated hatred, which is toxic to the future relations, starting from deep analy-

⁸⁰² Olga Murdzheva Shkaric, “Non-Violent Transformation of Conflicts”, The Center for Peace in the Balkans (Faculty of Philosophy); Skopje, 2007; p. 40.

ses and sustained critiques of the applicable system – it seeks new system, new structure, new spaces; it abandons the winner-loser logic;

c) Since conflict reasons are cultural and running deeper, the solution is not arriving at compromise or compensation –transformation is control over the variability of the conflict, not over its source; which presupposes reinvigoration of positive tendencies, and does not imply that we have simply eliminated the conflict, but that we have comprehended its dialectical essence;

d) Transformation includes no capitulation, incrimination and rigid alternatives but bravery, consistency, virtuousness, responsibility and “creative tension”; it increases the moral development of the dispute protagonists accompanied by empathy – recognition and taking account of the other’s problems;

e) The key to all transformations lies in the truth, justice, charity and need for inevitable mutual cooperation – they lead to qualitative system changes and changes in the mindset of the indoctrinated rhetoric. The result is tranquility, for the process is more important than the outcome, since “*joy is to seek, not to find something!*”

On Future

Happiness is reward to labour
Par est fortuna labori
(Latin saying)

On 8 April 1993, the Republic of Macedonia became the 181st UN Member State. It was admitted under the provisional “reference”: the former Yugoslav Republic of Macedonia. It was not admitted under its “constitutional name”, as other Member State denied its accession due to the name of the State (which, on the other hand, is not one of the terms for UN entry). Long story short, this was the beginning of the new, modern phase of the “name dispute” that has lasted to this very date...

Moreover, the dispute is going to be here tomorrow, the day after tomorrow... For it has become a test of patriotism for both squabbled peoples and went so deep that simply cannot be settled “without winners and losers” – it can be only transformed i.e. to transfigure persons, protagonists, structures and relations between the “parties”! Moreover, the transformation is reformulation, expression in a wider and different context, with different approach and from different viewpoint. The trans-

formation requires the participation of many social strata (state functionaries, intellectuals, students, civil sector, etc.). Deep conflicts cannot be settled completely and at once, they should be dismantled into a number of smaller conflicts – so, the so-called *instant formula* should be converted into the so-called *salami technique*! In the field of psychology, on the other hand, the hatred management needs to be converted from *culture of revenge* into *culture of reconciliation*.⁸⁰³

We believe that the most appropriate transformation would be the one from political into legal dispute, since the law (should be) is the last social, civilized resort for protecting the weaker. Thus, the dispute would gain another dimension. We even regard this book project as an appeal to the academic circles and intelligence in the Republic of Macedonia and the Hellenic Republic for a full-scale awakening and bringing minds nearer. Precisely these academic circles should take a joint stand upon the reason for common good, not upon reason for power, for the politicians are part of the elite, which is always in background of the conflict and are not direct victims!

As a conclusion, we are not aiming at idealizing or intellectualizing this issue – it is not in the nature of the problem to be indoctrinated, but to be felt, approached and transformed. We do not imply that what we are proposing here is fast and easy, but we do imply that gathering strength and making decisive attempt are worthwhile... Whether we will endure – it is up to us. So: *Let's get realistic...Let's seek the "impossible"!*

On Conflict-Management Methods

*Conflict is both destroyer and creator,
as well as golden opportunity to create something new*
Johan Galtung

There are two ways of dealing with conflicts, including the dispute between the Hellenic Republic and the Republic of Macedonia on the name.

The choice depends on the mindset of the parties, and the balance of forces involved in the conflict.

⁸⁰³ Ibid, pp. 60- 0.

Method 1: Once upon a time a Mullah was on his way on camel to Mecca.

Coming to an oasis he saw three men standing there, crying. So he stopped the camel, and asked: *"My children, what is the matter?"* And they answered: *"our father just passed away, and we loved him so much... he left behind camels. And in his will it is stated one-half of the camels to the eldest, one-third to the second and one-ninth to the youngest. We agree with the parts to each. But, there is a problem: he left behind 17 camels and we have been to school, we know that 17 is a prime number – so we cannot divide them."*

Mullah thought for a while, and then said: *"I give you my camel, then you have 18 and you can divide them."* And they cried: *Oh no, no, you cannot do that, you are on your way to something important"*. The Mullah interrupted them and said: *"Nonetheless, take it my children."*

So they divided 18 by 2 and the eldest son got 9 camels, 18 by 3 and the second son got 6 camels, 18 by 9 and the youngest son got 2 camels. A total of $9+6+2=17$ camels. One camel was standing there, alone – the Mullah's camel. The Mullah said: *"Are you happy now? Can I have my camel back?"*

And the three men, full of gratitude allowed the Mullah to take his camel back, not quite understanding what had happened. The Mullah blessed them, mounted his camel, and the last they saw was a tiny cloud of dust, quickly settling in the glowing desert sun...

Method 2: Once upon a time a lawyer was on his way in a luxurious car through the desert.

Passing an oasis he saw three men standing there, crying. So he stopped the car, and asked *"what's the matter gentlemen?"* And they answered: *"Our father just passed away, and we loved him so much."* *"But surely he has made a will"* – said the lawyer. *"Maybe I can help you, for a fee of course."*

The three men answered: *"Yes, he did indeed, he left behind camels. In his will it is stated one-half to the eldest, one-third to the second and one-sixth to the youngest. We agree with the parts to each, but there is a problem: he left behind 17 camels and we have been to school, we know that 17 is a prime number – so we cannot divide them."*⁸⁰⁴

⁸⁰⁴ Johan Galtung, *Conflict Transformation by Peaceful Means* (transcend method), Center for Peace in the Balkans, Skopje, 2000; p.144.

The lawyer thought for a while and then said: “*Very simple. You give me 5 camels, then you have 12. You divide by 2, 3 and 6 and you get 6, 4 and 2 camels respectively*”. And so they did!

The lawyer⁸⁰⁵ tied the five unhappy camels to the car, and the last they saw was a vast cloud of dust, covering the evening sun.⁸⁰⁶

If the weaker party in the name dispute (the Macedonian) is pressed by the more powerful force (Greece, NATO and EU), the transformation of the conflict should also engage the citizens of the Republic of Macedonia (state referendum at national level).

The transformation should be conducted in a democratic manner, not through violence, as it was the case with the dispute between the Melians and the Athenians during the Peloponnesian War.⁸⁰⁷

Skopje, April 2009

Editors’ Note

⁸⁰⁵ Whether it is our fate or not, but the leading “mediator” in the name dispute – Mr. Matthew Nimetz is a lawyer by profession!?

⁸⁰⁶ Johan Galtung, *Conflict Transformation by Peaceful Means* (transcend method), Center for Peace in the Balkans, Skopje, 2000; p.144.

⁸⁰⁷ Svetomir Shkaric and Gjorgje Ivanov: *Political Theories - Antiquity*; Faculty of Law Iustinianus Primus; Skopje, 2006; pp. 246-248.